

HAMILTON COUNTY BOARD OF COMMISSIONERS  
APRIL 24, 2006

The Hamilton County Board of Commissioners met on Monday, April 24, 2006 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session at 12:15 in Conference Room 1A. President Holt called the public session to order at 1:15 p.m. and declared a quorum present of Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Commissioner Christine Altman was absent. The Pledge of Allegiance was recited.

**Approval of Minutes**

Dillinger motioned to approve the minutes of April 10, 2006. Holt seconded. Motion carried unanimously.

**Executive Session Memoranda**

Dillinger motioned to approve the Executive Session Memoranda of April 24, 2006. Holt seconded. Motion carried unanimously.

**Bid Opening [1:19:20]**

**4-H Storage Building Rental 2006-2007**

Mr. Darren Murphy opened the bid for the rental of the 4-H Barns for 2006-2007. One bid was received from Superior Dock dba Abaco Dock and Lift Company in the amount of \$7,102 with a \$500 check for a damage deposit included. Dillinger motioned to forward the bid to the 4-H Board for review and recommendation. Holt seconded. Motion carried unanimously.

**Bridge #110, 186th Street over Cool Creek**

Murphy opened the bids for replacement of Bridge #100, 186th Street over Cool Creek. Form 96, Non-Collusion Affidavit, Bid Bond, Financial Statement and Acknowledgment of one addendum were included unless otherwise specified. 1) American Contracting - \$1,194,393.20. 2) Hunt Paving - \$965,230.06. Dillinger motioned to refer the bids to the highway department for review and recommendation later today. Holt seconded. Motion carried unanimously.

**Variance Requests**

**Britton Falls**

Mr. Tony Barbee, Pulte Homes, requested the roadway design standards for Britton Falls default to the Town of Fishers standards in lieu of pending annexation. The first reading was April 17, 2006, second reading will be May 15, 2006 and final reading on June 5, 2006. Dillinger motioned to approve. Holt seconded. Davis stated they have agreed to post a bond, in case annexation does not occur, to bring the road to county standards. Motion carried unanimously.

**Laurel Ridge Subdivision Right of Way**

Mr. Joe Calderon, Bose, McKinney & Evans, stated Laurel Ridge previously came before the Commissioners for a waiver of street standards to approve cul-de-sac lengths. Since that time both primary and secondary plats have been approved. Today's request is to allow 30' half right of way for each of 106th Street and Ditch Road. The county highway department requests 60' half right of way for a segment of 106th Street and tapering down to 50' and a 60' half on Ditch Road for 500', extending south of the intersection tapering to 40'. They have shown 30' half right of ways during the entire platting process. There are some severe topography issues that are existing. There are trees along Ditch Road that they would like to preserve. If the 30' right of way is granted the county will receive almost one acre for free, designed and platted. Mr. Mike McBride, Hamilton County Highway Department, clarified that the secondary plat has not been approved and concerns about the right of way dimensions were expressed early in the review process. Holt asked why would we want to scale back the right of way? Calderon stated the intersection is proposed to have a roundabout, they have granted enough right of way to accommodate that. The existing developments, particularly Laurel Wood, to the east, has 30' half right of way. There is a pair of right of ways to the south on Ditch Road because of the large estate homes. Carmel requested this as they have planning and zoning jurisdiction. This will be annexed by Carmel at some point. Laurel Wood has an existing brick wall 30' off the center line on the south side of 106th Street which will remain. We think we are accommodating the intersection needs, the requested bike/multi-use path. We are not granting less right of way to avoid our dedication obligations as we have gone through the platting process. There is enough in with what we have proposed to provide the pathway, we would like to preserve as many of the trees along Ditch Road as we can. We have severe topography, especially where Mill Creek runs to the south end of the property. 30' matches what we were asked to do. It matches the existing right of ways that are present in the area. Holt asked if the highway department is asking for 45' on 106th and Ditch? McBride stated the county thoroughfare plan calls on 106th Street within 500' of the intersection a 65' half, beyond 500' is a 50' half. On Ditch Road within 500' it requires a 60' half, beyond 500' is a 40' half. They are proposing a 30' half uniformly along the frontage. Holt asked when Laurel Wood did the brick wall, did we let them do that in the right of way with the understanding that the wall came down if we needed it? McBride stated that proceeded him. Mr. Lance Farrell stated Laurel Wood's dedicated right of way is 30'. The wall may be in front of that. Holt stated he thinks it is in the right of way and their irrigation is also in the right of way. Farrell stated they have taken out the pedestrian walk in front of the Laurel Wood wall. Mr. Mark Zuckerman stated the Laurel Wood wall is built within the right of way. We staked our 30' right of way to see how many trees we could preserve on the northern border so we would see what we would lose. Our stakes are behind Laurel Wood's wall. If we have a 30' or 40' right of way, our wall will be behind Laurel Wood's wall. We have made arrangements with some other materials to bring it up to their corner and then seal the gap between the walls. At our approval hearing in Carmel, they were up in arms because Laurel Wood had taken away the multi-use path, even though it was a 4' wide path. When we were talking about our 10' multi-use path, Carmel is requiring us to put it at the back of the right of way, if we were to move it back an additional 20' to 30' as the highway department is asking, we would have a pretty big 90 degree movement in the wall. Part of our 30' was from the direction we received from DOCS in Carmel. Ditch Road constraints are a little different. We have a waiver from DOCS because of the topography in the area. Our path will go from 10' to 6' in that area. Holt asked if they are planning a wall on Ditch as well? Zuckerman stated no, there is a wall that is existing and then south will be masonry stone pillars connected with wrought iron. Holt asked if McBride has spoken with Carmel about how that would look like on 106th Street? McBride stated he does not recall specific conversations about esthetic treatments. Holt stated we have been fanatical about right of ways and have stayed the course, almost without exception. The nature of 106th Street does not make you think our thoroughfare plan is consistent with what any future residents along that road will think is a good idea. It will be Carmel's thoroughfare plan. If Carmel had a will to rip out the walls and trees along 106th Street is hard to visualize. Mr. Joel Thurman asked McBride if he was aware that Carmel DOCS was satisfied with 30'? McBride stated he does not recall any communication to that effect. McBride stated the more demanding standard normally applies. Holt stated this is more a planning issue. McBride stated according to the thoroughfare plan, Ditch Road may have a connection to the northwest but does not have any increased traffic load and making it a north-south corridor or anything like that. Thurman stated we did design and construct two roundabouts on Ditch Road, at 96th and 116th Street prior to

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Carmel's proposed annexation of Western Clay Township. At the same time we began design work at 106th and Ditch Road. That has progressed through design and we got to the appraisal process, we were tight on money and the appraisals were so high that the project is now stagnant. With that design we did not shift the roundabout north or south of the current alignment. Our current right of way requirements, for the current design, is greater than the 30' that they are proposing. Holt asked what about the 60' half we are asking for? Farrell stated Mr. Thurman is right. When we went through the planning process we were asked to provide additional room in the corner for a future round about. We did give additional right of way and re-designed our perimeter fencing. Holt asked Dillinger if we should table this request to give the highway department staff a chance to meet with Carmel and the petitioner? Dillinger agreed. Farrell stated they have no issue on the Ditch Road amounts. On 106th Street we will be well behind Laurel Wood's wall and right of way. He does not know if it is 65', which is twice as more as what is next door. You would be taking the wall, most of the backyards and very close to the homes. Dillinger motioned to table pending the meeting with Carmel and Hamilton County Highway Department staff and put it on the next meeting agenda. Holt seconded. Motion carried unanimously.

**Highway Business [1:41:38]**

**Road Cut Permits**

Thurman requested approval of an Open Road Cut Permit, RDCUT-2006-003, for Weihe Construction for a road cut 45' north of the center line of East 113th Street at Geist Bay Court. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Highway Department**

Thurman requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD#B-03-0124 - Travelers Casualty and Surety Company Continuation Certificate for Bond No. 400SV2222 on behalf of English Excavating & Plumbing, Inc. in the amount of \$25,000 to now expire April 13, 2007. 2) HCHD #B-06-0010 - Liberty Mutual Insurance Company Performance Bond #354-020-033 issued on behalf of Duncan Robertson, Inc. in the sum of \$392,462.90 for Bridge #76, Ray Parker Road over Bear Creek to expire March 28, 2008. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Highway Department**

Thurman requested release of Bonds and Letters of Credit for the highway department. 1) HCHD#B-04-0024 - Safeco Insurance Company Bond #6256321 for Permit WKROW-2004-014 issued for passing blister, 255' west of SR 421 on 106th Street in Clay Township. 2) HCHD#B-04-0025 - Safeco Insurance Company Bond #6256320 for Permit COMDR-2004-005 for commercial entrance, 255' west of SR 421 on 106th Street in Clay Township. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Agreements/Supplements**

**106th and Springmill Road**

Thurman requested approval of Supplemental Agreement No. 5, HCHD #E-98-0019, with American Consulting Engineers, Inc. for 106th Street and Springmill Road intersection improvements. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Small Structure Inventory**

Thurman requested approval of Engineering Agreement, HCHD #E-06-0003, with Beam, Longest and Neff for Small Structure Inventory. This agreement includes the participation of the Town of Westfield and Town of Fishers. We sent out to local agencies asking what interest they would have in participating in the inventory. Interlocal agreements with Westfield and Fishers are forthcoming. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Subdivision Inspection**

**Barrington Estates, Section 1**

Thurman requested approval of Subdivision Inspection Agreement, HCHD #A-06-0002, for Barrington Estates, Section 1 between Cole Developers and Hamilton County. Dillinger motioned to approve. Holt seconded. Motion carried unanimously. Thurman requested approval of Subdivision Inspection Agreement, HCHD #A-06-0002, for Barrington Estates, Section 1 between Hamilton County and The Corradino Group. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Request to Advertise**

**Bridge #220, Lamong Road over McKinzie Ditch**

Thurman requested permission to advertise for Bridge #220, Lamong Road over McKinzie Ditch in Adams Township. Bids will be opened May 22, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Speed Hump Policy**

Thurman presented draft copies of the Speed Hump Policy. Holt motioned to table the issue until May 8, 2006. Dillinger seconded. Motion carried unanimously.

**Correspondence**

**Bridge #191, Geist Reservoir**

Mr. Brad Davis stated Bridge #191, over Geist Reservoir and Olio Road. It was awarded in an INDOT letting last October to Milestone Contractors. Since that time we have been waiting for a Notice to Proceed from INDOT. Milestone contacted Mr. Davis last week, since there has been such a delay in the Notice to Proceed there has been substantial increases in the price of materials, particularly asphalt. Milestone is concerned about INDOT's reaction to Milestone being compensated to those increasing costs. INDOT has been sending a letter to contractors, prior to giving Notice to Proceed, asking them if they want to continue with the project at the stated bid amount or withdraw their bid. Milestone has received that letter from INDOT. Milestone requested a meeting with INDOT and Davis, which is scheduled for April 25th. There is a possibility Milestone will withdraw. If that is the case INDOT will go to the second bidder to entertain the contract, if not the project would be delayed until the next construction season.

**Highway Meeting**

Davis reminded the Commissioners of their scheduled Friday morning highway meeting on April 28, 2006 at 7:30 a.m. at the highway department.

**146th Street Interlocal Agreement**

Davis requested approval of the Interlocal Agreement for construction of 146th Street (east) with Noblesville. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Bid Award**

**Bridge #110, 186th Street over Cool Creek**

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Thurman recommended awarding the bid for Bridge #110, 186th Street over Cool Creek, to Hunt Paving as the lowest responsive bidder. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Holt called a break in the meeting.

Holt called the meeting back to order. [2:16:17]

**Fiber Optic Management Interlocal Agreement**

Ms. B.J. Casali requested approval of the Interlocal Agreement between the Town of Fishers, City of Noblesville, Town of Westfield, Hamilton County and the Hoosier Heritage Port Authority for Dedication of Fiber Optic Cable Resources for use by Local Government Entities in Hamilton and Marion Counties. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Fiber Ring Maintenance Agreement**

Casali requested approval of the Service Agreement between Hamilton County and IQuest, Internet LLC for the management of the fiber ring. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Andover Release of Commitment**

Mr. Greg Hoyes, Surveyor's Office, requested approval of the Release of Drainage Commitment Concerning the Use and Development of Real Estate between Hamilton County and Graystone Development. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Unsafe Homes - Westfield Road**

Mr. Byron Settles, Plan Commission, updated the commissioners on the homes at 2411 and 2413 Westfield Road. The wells have been plugged, septic has been filled, the owners have applied to the City of Noblesville for the demolition permit and they are waiting for the utilities to sign off to receive their permit. Settles recommended leaving this item on the table for another 2 weeks. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Weights and Measures** [2:23:45]

Mr. Cary Woodward requested the preparation and passage of a Weights and Measures compliance ordinance. If the fines are kept to a reasonable level then the merchants are less likely to fight it in court. The primary reason for passing the ordinance is not for revenue generation but for compliance. If we had an ordinance many of the non-compliance issues would come into compliance much quicker than what is currently being done. This year alone they have found an estimated 350 devices that have not had the proper security on the weighing devices. Dillinger motioned to direct the county attorney to prepare an ordinance for the next meeting. Holt seconded. Motion carried unanimously.

Woodward stated he has 31 hours left this week for his part-time employee. Woodward proposed either bringing him on full time or request additional funding. Dillinger motioned to approval an additional appropriation request for \$5,000 for part-time employee. Holt seconded. Motion carried unanimously. Howard reminded Woodward that once the 31 hours is used, the part-time person is done until the additional funding is approved. Dillinger motioned to allow Woodward to apply to the Personnel Committee and County Council for a new position. Holt seconded. Motion carried unanimously.

**Attorney** [2:36:46]

**Ordinance 03-23-06-A, Amending Animal Control Ordinance**

Murphy presented Ordinance 03-23-06-A, An Ordinance Amending Ordinance 2/11/02/A of the Hamilton County Code Concerning Animal Control Regulations. Murphy stated at the last meeting Commissioner Altman requested we research the new legislation to make sure we were not in conflict. Murphy did make the appropriate changes, primarily regarding regulation of major kennels. The county would be adopting the code of federal regulations for inspection standards and the Sheriff would be the appointed person for purposes of inspection, through the Animal Control Officer. Dillinger motioned to approve the first reading of Ordinance 03-26-06-A. Holt seconded. Motion carried unanimously.

**Administrative Assistant** [2:38:50]

**Animal Shelter Utilities**

Mr. Fred Swift stated the utilities for the new animal shelter have been placed in the county's name during construction. Holt asked Swift to look at the operating agreement to see if it addresses utilities.

**National Day of Prayer**

Swift stated the National Day of Prayer is May 4th. Tom Burton has requested permission to use the historic courthouse plaza at 12:00 noon for observance of the day. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Animal Shelter Change Order**

Swift requested approval of Change Order BP03-01 for the Animal Shelter. It is a reduction of \$13,000 for the T-Kennels. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Space Needs**

Swift asked if the Commissioners want him to do anything regarding space needs for the Coroner and additional court space? Are there any meetings he needs to cover for the Commissioners? Holt stated he will be at the May 3rd Council Work Session but will be unable to stay for the Council meeting.

**Sheriff** [2:43:37]

**E-911 Funds**

Major Mark Bowen stated the Sheriff has has received requests for funding from the E-911 fund. The requests are from Emergency Management Agency (EMA) for \$27,250 for 50 pagers for their volunteers, Sheridan Fire Department is requesting \$16,175 for 25 pagers and Brooke Gajownick, mapping, requested \$4,300 for a new computer. Sheriff Carter polled the E-911 Review Board members and received approval of these requests. Dillinger asked if EMA could use a calling tree system instead of pagers. Dillinger motioned to approve the Sheridan request for pagers and the \$4,300 for the computer and table Bice's (EMA) request. He needs to give us more information. Holt seconded. Motion carried unanimously. Dillinger asked that Bice be placed on the E-911 Review Board agenda, but the Board will not meet just for that request.

**Auditor** [2:50:14]

**Solid Waste Amended Interlocal Agreement**

Ms. Robin Mills requested approval of the amended Interlocal Agreement between the county, Hamilton County Health Board and Hamilton County Solid Waste District for the operations of the Household Hazardous Waste Center. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

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**Clerk's Monthly Report**

Mills requested approval of the March, 2006 Monthly Report from the Clerk of the Circuit Court. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Treasurer's Monthly Report**

Mills requested approval of the Treasurer's Monthly Report dated March 31, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Drainage Board**

Mills requested the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2005-00030 - Bond Safeguard Insurance Company Subdivision Bond No. 5016096 for Glen Oaks Subdivision storm sewers in the amount of \$308,524.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Payroll Claims**

Mills requested approval of Payroll Claims for the period of March 27, 2006 thru April 9, 2006 paid April 21, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Vendor Claims**

Mills requested approval of the Vendor Claims to be paid April 25, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Attorney [2:51:50]**

**Animal Shelter**

**Retainage Escrow Agreements**

**P.I.P.E., Inc.**

Howard requested approval of a letter from P.I.P.E., Inc., the plumbing contractor for the Animal Shelter, has requested the county act as the escrow agent for their retainage. They have acknowledged that by the county holding their escrow account they will not receive interest on the amount held. Howard suggested that from now on we instruct our construction manager or engineering department, that if a contractor asks the county to act as the escrow agent, the department head be authorized to send a letter stating that the contractor will receive no statements, the account will not be segregated and they will receive no interest. The money will be released upon completion and approval of the commissioners. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Change Order**

Howard requested approval of Change Order BP02-01 from Fredericks, Inc. for an additional of \$9,000 for Alternate No. 3 for T-Kennels. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Construction Contracts**

**J.E. Mechanical**

Howard requested approval of the construction contract between Hamilton County and J.E. Mechanical for the animal shelter in the amount of \$238,262.00. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Berline Construction**

Howard requested approval of the construction contract between Hamilton County and Berline Construction for the animal shelter in the amount of \$76,600. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Batts Construction Escrow Agreement**

Howard requested approval on a letter to Batts Construction, Inc. regarding their request as the county act as their escrow agent for their contract on the Animal Shelter. Howard stated from now on Envoy will be sending these letters to the contractors. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Resolution 04-24-06-1, Military Duty of Employee**

Murphy stated a county employee, David Lindenschmidt, has been called to active duty for service in Iraq. Currently he is in California receiving refresher training. Lindenschmidt did not elect to have dependent insurance coverage. Murphy requested approval of Resolution 04-24-06-1 extending his insurance coverage during military leave. Dillinger motioned to approve. Holt stated he understands why we did this for Jim Neal and why we accrue his leave and benefit time, but would we carry health insurance when he would have full coverage through the military. Howard stated this is a benefit, it allows him to continue his health coverage. Holt stated the resolution states the county will pay the employee and the county portions of the health insurance. Howard stated we did the same for Jim Neal. Holt stated yes, but he had family coverage. If Jim had a medical issue in Iraq we would not expect Nyhart be billed. Mills stated this is so when Lindenschmidt returns he would not have any waiting period, his premium would continue to be paid so it stands that he was never gone. He would not have to go through the Statement of Good Health. Dillinger stated that is not a good reason, it is more logical for us, as the policy owner/administrator to state that in these situations we would waive any pre-existing condition. It does not make any sense to pay premiums on him because of the war exclusions. Holt asked if it would make sense to remove that paragraph? Dillinger stated to protect him we would have to state in our insurance agreement that upon his return we waive the pre-existing periods and allow him to have full coverage when he returns. Howard asked even if we waive pre-existing and the waiting period are the other excess carriers and outside providers going to agree with that? Dillinger stated we would have to get approval from them for the re-insurance. Discussion of life insurance coverage was held. Ms. Sheena Randall stated the Nyhart plan states that the exclusion for any injury or illness due to the act of war, they will not pay for but anything else they do. USERRA states that we have to cover them for a minimum of 24 months or their time served, whichever is less. Dillinger asked if that includes life insurance? Randall stated yes, only for the employee not the family. The policy does not currently state dependents, that is something we need to decide. Dillinger stated he understood on Neal's was that we afforded him the coverage he normally has. Randall stated the question is if we would charge them what they would normally pay as an employee, we waived that for Neal. Dillinger stated in his opinion we should waive for the life insurance for dependents. Randall stated it is her understanding everything was waived. Dillinger stated he thinks it is the terminology. Howard stated we need to amend Neal's. Randall stated she would recommend that the personnel policy would state the same for everybody that would be leaving for active duty. Holt stated that is our intent, there is a difference if your family is not insured. Dillinger stated Lindenschmidt has single coverage, not family coverage and we are not inclined to give him family coverage. Randall stated Nyhart would not allow the family to go on without Proof of Good Health, just as any other employee. Dillinger stated rather than paying the premiums on these people, Randall is saying that according to the law we have to cover them for 18 months? Randall stated the law says the continuation of all benefits. Dillinger stated after that period of time, what? Randall stated the handbook says up to that time and then they have the option of electing COBRA. It can be extended if they request that from the

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Commissioners. You can allow someone personal leave up to one year and then they would continue paying their normal premiums and their coverage would remain the same as if they were an active employee. Dillinger stated if we have to cover them for 24 months and assume they will be in for another 24 months, he does not think we want to keep that individual on the coverage. We were discussing putting in a waiver that when they return we would waive their conditions and allow them to be an active employee on day one. Rather than paying the premiums for that period of time, which we are not going to pay anything out anyway. Randall stated we are not paying premiums, we are paying re-insurance. The re-insurance would have to be notified to see if they would allow that waiver. Holt stated it sounds like it is a non-issue for 24 months, typical deployment is 15 months. Holt stated we are talking about something that will probably not happen. Holt asked if we took paragraph 3 & 4 out and passed it, we would be alright. We have determined he will have life insurance benefits for 24 months anyway. Mills asked if this is covered in our handbook will we have to come back for a resolution? Dillinger stated after 24 months. Mills stated if everything is covered under USERRA and we cover it in our handbook, do we need to do this? Randall stated you shouldn't. Holt stated it doesn't look like it. Randall stated the handbook goes into more detail than the resolution. Dillinger asked if their seniority is protected in the handbook? Randall stated yes. We do need to address the dependents in the handbook. Howard stated we really don't need to pass anything, we just need to address dependents in the handbook. Dillinger stated he thinks we are agreeing that we need to say in the personnel policy that in addition to the USERRA we will provide dependent coverage if dependent coverage was enforce at the time of deployment. Howard agreed. Randall stated she has included that wording in the handbook revisions.

**Animal Control Ordinance**

Murphy stated the Animal Control Ordinance amendments was tabled at the last meeting. For clarification it should have been untabled. Holt stated the act of putting it on the agenda and bringing it back up untabled it. Howard stated it is ok.

The Commissioners recessed to Conference Room 1A for a work session on the revisions to the employee handbook.

**Employee Handbook Revisions [CD#2]**

Section 3.2 - Work Hours: Add - *each permanent position work schedule is outlined in detail in each job description maintained by the Human Resource Department.* Randall stated for work hours to be changed they go through the Personnel Committee and it has to be justified. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 3.2.1 - Flex Time: Add - *to reach their required work week hours (example: equivalent to 37 ½ or 40 hours in a work week).* Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Randall stated these revisions have been sent to the Sheriff, they were forwarded to Tim Garner and his comments did not reach her until this morning. Garner had sent questions to the Sheriff for his comments and the Sheriff is out of town this week.

Section 3.11 and 3.11.1 - Overtime and Compensation Time: add - *The calculation of overtime wages for employees working in public safety follow Section 207 (k) of the Fair Labor Standards Act.* Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.1 - Vacation Benefits: Add the breakdown of the calculation of hours. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.2 - Holidays: Add - *in the permanently assigned work schedule for their position. Permanent work schedules are defined in each job description.* Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.3 and 4.4 - Personal Days and Sick Leave Benefits: Add the breakdown of the calculation of hours along with the word *time* to follow the word personal. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.5 - Military Leave: Paragraph #5 - Randall recommended it state *Hamilton County follows USERRA in providing coverage up to 24 months from the date their military leave begins. The county will continue to pay premiums for dependents covered by the county's medical plan during the employee's approved active leave of absence.* Discussion followed. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 4.6 - Bereavement Leave: Add the breakdown of the calculation of hours. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 5.4 - Use of Cellular/Mobile Phones and Pagers - Dillinger and Ms. Casali will be coming to the Commissioners with a recommendation.

Section 5.6.1 - Personal Use of Vehicles: Add - *The assignment of all County owned or leased vehicles must be authorized by the Board of Commissioners of Hamilton County. Vehicles owned, leased or rented by the County may not be used for personal use without prior approval and shall not be driven out of Hamilton County, unless they are being used for official County business, and /or the special exceptions requiring authorization by the appropriate County authority. The use of County owned vehicles must be strictly confined to travel necessary to conduct business of the County. This does not include commuting from home to the work site, with exception of designated positions in the County such as the Hamilton County Sheriff's office. Accurate records of all travel, mileage, and expenses must be recorded for each vehicle, in accordance with procedures approved by the State Board of Accounts. The record must be in enough detail to determine points of origin and each destination. The record must also show if the trip, or any part of the trip, was personal in nature. Any personal mileage, other than de minimis, is considered a taxable fringe benefit. Elected officials and/or department heads are responsible for accurately recording authorized personal use for each vehicle in their designated departments. The Hamilton County Auditor must be provided documentation of any personal usage of County owned vehicles annually. The Auditor will process the tax liability for personal use of a County vehicle, which will be included in the employee's annual wage information.* Randall stated most counties use the calculation of \$3.00 per day or \$1.50 per trip when people take vehicles home. The elected officials/department heads will have to track that and then submit something to the Auditor's office so they can apply the taxable fringe benefit to the employees W-2 form. Howard revised paragraph #2 - *The use of County owned vehicles must be strictly confined to travel necessary to conduct business of the County or commuting from home to the work site with exception for designated positions in the County such as the Hamilton County Sheriff's office.* Randall asked if they want to look at who takes vehicles home and decide who can take them home? Howard stated if they get a take home car it should be included in their job description that they will get a charge of \$3.00 per day on their W-2. Dillinger motioned to approve, with Howard's revisions. Holt seconded. Motion carried unanimously.

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Section 5.6.2-7 - Driver's Licenses Requirements - Randall stated these additions are straight from the Fleet Policy already in place. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

Section 5.6.8 - Insurability - Randall stated the City of Noblesville shared their policy with her regarding employees that can not be insured, it does not matter if they have a driver's license or not, their job could be in jeopardy. Howard stated the City added a provision that if the liability carrier determined they were un-insurable we gave them a very limited period of time to correct it. Holt stated he does not agree with (f). Discussion followed. Section tabled for Altman's input.

Modification for Judicial Employees

Randall stated Mr. Schierholz sent her a memo requesting a modification for Judicial employees be added to the handbook. Step 1 states employee should speak with elected official/department head, have a oral discussion and keep it at the lowest level possible. Schierholz has added that if for whatever reason it is not practical to discuss the matter with the elected official/department head then the employee should contact a designated person in their department or the *Court Administrator*. Randall recommended it be included in the handbook for all employees. Dillinger stated the designated person would be Human Resources, Judicial employees would be Mr. Schierholz. Consensus was to add this wording to Step 1.

Vacation Time

Mills asked if she could ask Randall to work on adding to the policy stating that no new hires can be hired until the benefit time of the previous employee has run out or there is an additional appropriation sought. Holt stated yes.

Randall will meet with Altman regarding the changes.

Meeting adjourned.

**Commissioners Correspondence**

Bridge #133 DNR Archaeological Field Report

Beam, Longest and Neff Notice of Transmittals:

Bridge #105, Anthony Road over Jones Ditch

IDEM Renewal Reminder Letter:

Hamilton County Transfer Station

IDEM Notice of Sewer Permit Applications:

Cumberland Pointe Apartments - Noblesville

Hillsdale Grove - Fishers

Lochaven of Noblesville, Section 9A - Noblesville

Mill Grove, Section Nine A - Noblesville

Overbrook Farms Subdivision - Carmel

Park Place at Sagamore, Section 1 - Noblesville

Tanglewood, Section 4 - Fishers

The Villages at Geist, - Fishers

Village of West Clay City Homes - Carmel

Village of West Clay, Section V02-B - Carmel

IDEM Notice of Construction Permit Applications:

Cumberland Pointe Apartment - Noblesville

Lochaven of Noblesville, Section 9A - Noblesville

Mill Grove, Section 9A - Noblesville

Tanglewood, Section 4 - Fishers

The Ridge Subdivision, Section One - Noblesville

Certificate of Insurance:

Gibraltar Construction Corporation

**Present:**

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Administrative Assistant to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Darren Murphy, Attorney

Mark Bowen, Major

Brad Davis, Highway Director

Joel Thurman, Interim Highway Engineer

Virginia Hughes, Administrative Assistant to Highway Engineer

Amber Emery, Highway Public Service Representative

Dave Lucas, Highway Inspector

Mike McBride, Highway Technical Engineer

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Knight, Highway Staff Engineer

Faraz Kahn, Highway Department

Kathy Howard, Highway Department

Bob Davis, Highway Superintendent

Matt Lohmeyer, Pulte Homes of Indiana

Tony Barbee, Pulite Homes of Indiana

Michael McCool, Beam, Longest & Neff

Lance Ferrell, Banning Engineering

Becki Wise, USI

Patti Smith, BLN

Floyd Burroughs, FEBA

Byron Settles, Hamilton County Plan Commission

HAMILTON COUNTY BOARD OF COMMISSIONERS  
APRIL 24, 2006

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Sheena Randall, Human Resource Director  
Joe Calderon, Laurel Ridge  
Mark Zuckerman, Laurel Ridge

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor